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SB 2721 RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

Senate Committee on
Agriculture and Environmental Protection

Public Hearing - February 25, 1992
1:00 PM, Room 305 SOT

By
John T. Harrison, Environmental Center
Jacquelin Miller, Environmental Center
Peter Rappa, Sea Grant

SB 2721 provides for public review of environmental assessments prepared pursuant to Chapter 343, HRS and compensates for the added processing time by reducing the period for initiation of judicial proceedings following public notification of a determination from 60 to 30 days.

Our statement on this measure does not constitute an institutional position of the University of Hawaii.

While we concur with the intent of this administration-sponsored measure, we suggest that the 20-day interval for public review is insufficient. Clearly, this bill represents an attempt to introduce a public review process for EAs in response to the single most problematic aspect of the existing system without adding any time to the process overall. However, not only is 20 days insufficient for adequate review, but 10 days as inferred for agency and/or applicant response may not suffice in the event that complex concerns arise from the review process.

Unquestionably, there is substantial pressure from the development community to preserve the existing limit on the time necessary for the ministerial and discretionary aspects of the EA/EIS process. The economic argument that developers' costs are unnecessarily inflated by additional time appears to us to be specious. After all, what is the long term cost of a bad decision? One might note the \$6 million cost to the taxpayers for the inadequate assessment of the significance of burial grounds at Honokohua on Maui, or the additional costs incurred to the developers of the Duty Free Shopping Plaza in Waikiki when, after receiving a Negative Determination from the DLU, it was found that dewatering the construction site resulted in structural damage to adjacent buildings. In each of these cases, disclosure and public review pursuant to recommendations of our 1991 EIS system report would have saved time and money.

As with other EIS bills, we prefer the EA review system language of HB 3946 HD 1.